IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

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WRIT PETITION NO : 17598 of 2004

Between:

1.A.Subba Rao, S/o Seshaiah,
R/o Mandalapalli, Dammapeta Mandalam, Khammam District
2.T.V.Srinivasa Rao, S/o Rama Rao,
R/o Sathupalli, Khammam District
3.Sk.Subhani, S/o Babji, R/o Mandalapalli, Dammapeta Mandalam, Khammam

District
4.G.Pulla Rao, S/o Satyam,
R/o Mandalapalli, Dammapeta Mandalam, Khammam District

..... PETITIONERS

AND

1. The Executive Engineer, Road & Buildings (A.P.S.H.P.-7), Jangareddigudem, West Godavari District

2. R.Jogeswara Rao, s/o Satyanarayana, 23 yrs., R/o Satyanarayanapalem, Dammapet Mandal, Khammam District.

3. P.Veerabhadra Rao, S/o Ramaiah, 50 yrs., R/o Mandalapalli, Dammapet Mandal, Khammam District.

4. Syd Shaffi, S/o Rahimtullah, 25 yrs., R/o Mandalapalli, Dammapeta Mandal, Khammam District.

(RR 2 to 4 impleaded as per Court Order dated 14.12.2004 in W.P.M.P.No.27055 of 2004)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of

Writ of Mandamus declaring the action of the Respondent in initiating steps to close or restore the openings made to the road divider between Mandalapalli centre and out skirts of Mandalapalli towards Sathupalli of State High Way No.7 with out considering the representation dated 15-09-2004 of the petitioner is illegal, arbitrary, erroneous, highhanded and unconstitutional and consequently direct the respondent not to close the openings made to the road divider between Mandalapalli centre and out skirts of Mandalapalli towards Sathupalli on State High Way No.7.

Counsel for the Petitioners: MR.Y.V.RAVI PRASAD

Counsel for the Respondent No.1: GP FOR ROADS & BUILDINGS

Counsel for the Respondent Nos.2 to 4: MR.V.V.N.NARAYANA RAO

The Court made the following:

ORDER:

The petitioners claim to be the residents of Mandalapalli and Sathupalli villages in Dammapeta Mandal, Khammam District. They also claim to be running petty businesses by establishing shops on either side of the State High Way Road No.7 connecting Dhevarapalli and Thallada villages. The respondent as part of the maintenance of the State High Way, in the stretch connecting Dhevarapalli and Thallada villages via Mandalapalli and Sathupalli has laid road dividers in the middle of the State High Way for the entire stretch covering the villages. As this road divider does not have intermittent breaks, the petitioners claim, they are finding it difficult to cross the State High Way at frequent intervals to pursue their commercial activities. They also assert that the absence of breaks in the road divider at reasonable intervals causes inconvenience to the general public to visit the petitioners' shops. In substance, the writ petition is filed for a direction to the respondent to provide breaks in the road divider between Mandalapalli center and outskirts of Mandalapalli, towards Sathupalli State High Way No.7, in accordance with the representation of the petitioners, dated 15.09.2004.

Laying of road dividers on State High Way subserves a vital and compelling governmental interest, namely, ensuring safety on the State High Way. The private interest of the petitioners for higher commercial traffic for their shops adjacent to the State High Way is sub servient to the compelling governmental interest. The petitioners'

interest must, thus, yield to the compelling public and governmental interests. The petitioners have no case and there is no merit in the writ petition. Accordingly, the writ petition is dismissed. No costs.

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29.12.2004

VGB

To

1. The Executive Engineer, Road & Buildings (A.P.S.H.P.-7), Jangareddigudem, West Godavari District
2. 2CCs to the Government Pleader for Roads and Buildings, High Court Buildings, Hyderabad (OUT)
3. 2CD copies